

1 Michael J. Bettinger (SBN 122196)  
2 *mabettinger@sidley.com*  
3 Irene Yang (SBN 245464)  
4 *irene.yang@sidley.com*  
5 SIDLEY AUSTIN LLP  
6 555 California Street, Suite 2000  
7 San Francisco, California 94104  
8 Telephone: (415) 772-1200  
Facsimile: (415) 772-7400

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*Attorneys for Huawei Technologies Co., Ltd.,  
Huawei Device USA, Inc., Huawei Technologies  
USA, Inc., and HiSilicon Technologies Co. Ltd.*

David T. Pritikin (*Pro Hac Vice*)  
*dpritikin@sidley.com*  
David C. Giardina (*Pro Hac Vice*)  
*dgiardina@sidley.com*  
Douglas I. Lewis (*Pro Hac Vice*)  
*dilewis@sidley.com*  
John W. McBride (*Pro Hac Vice*)  
*jwmcbride@sidley.com*  
SIDLEY AUSTIN LLP  
One South Dearborn  
Chicago, Illinois 60603  
Telephone: (312) 853-7000  
Facsimile: (312) 853-7036

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

HUAWEI TECHNOLOGIES CO., LTD., ) Case Number: 3:16-cv-2787-WHO  
HUAWEI DEVICE USA, INC., and )  
HUAWEI TECHNOLOGIES USA, INC., )  
Plaintiff(s)/Counterclaim )  
Defendants, )  
vs. )  
SAMSUNG ELECTRONICS CO., LTD, )  
SAMSUNG ELECTRONICS AMERICA, )  
INC., )  
Defendants / Counterclaim- )  
Plaintiffs )  
and )  
SAMSUNG RESEARCH AMERICA, INC., )  
Defendant, )  
v. )  
HISILICON TECHNOLOGIES CO., LTD., )  
Counterclaim-Defendant. )

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1 I, Cory D. Szczepanik declare as follows:

2       1. I am an attorney at the law firm of Sidley Austin LLP, counsel for Huawei  
 3 Technologies Co., Ltd., Huawei Device USA, Inc., Huawei Technologies USA, Inc., and  
 4 HiSilicon Technologies Co., Ltd. (collectively, "Huawei"). I am a member in good standing of  
 5 the State Bar of Texas, and I am admitted to practice in the Northern District of California.  
 6 Unless otherwise stated, I have personal knowledge of the facts set forth in this declaration, and,  
 7 if called upon as a witness, I could and would testify as to these facts.

8       2. Pursuant to Civil Local Rule 79-5, I make this declaration in support of  
 9 Samsung's Administrative Motion to File Under Seal Portions of its Motion for Summary  
 10 Judgment and Exhibits Thereto (Dkt. 333). I have reviewed the portions of Samsung's Motion  
 11 for Summary Judgment (and exhibits thereto) that contain information that Samsung had  
 12 identified as confidential to Huawei. After review, Huawei requests that the following  
 13 documents and portions of documents be filed under seal:

<b>Document</b>	<b>Portions to be Filed Under Seal</b>
Motion for Summary Judgment	None
Exhibit B	Paragraph 79
Exhibit C	None
Exhibit D	None
Exhibit G	None
Exhibit I	Paragraph 272
Exhibit J	None
Exhibit R	Paragraphs 110-121
Exhibit S	Entire document

20       3. Huawei does not request that any of the green highlighted portions of the Motion  
 21 for Summary Judgment be filed under seal.

22       4. Huawei respectfully requests that the portions of the exhibits listed in the above  
 23 table be filed under seal. Paragraph 79 of Exhibit B and paragraph 272 of Exhibit I contain  
 24 Huawei's confidential internal processes for patent procurement. These exhibits contain  
 25 information that Huawei considers highly confidential and does not disclose to the public.  
 26 Disclosure of this confidential information to the public could harm Huawei's competitive  
 27 standing by giving competitors insight into Huawei's patent procurement processes, which could

1 be used to Huawei's disadvantage. For example, competitors could use Huawei's confidential  
2 information to improve their own patent procurement processes. Because Huawei would lack  
3 similar information about its competitors, this would create an asymmetry of information that  
4 would otherwise not exist but for the disclosure of the above confidential information. This  
5 would create a risk of competitive injury to Huawei.

6 5. Paragraphs 110-121 of Exhibit R and Exhibit S contain the confidential  
7 information of Motorola (now owned by Nokia) that Huawei procured in discovery via a third  
8 party subpoena. As a condition to production of the information, Nokia insisted that the  
9 information be marked as "Highly Confidential – Attorneys Eyes Only" pursuant to the  
10 Protective Order in this case. Mr. Ryan W. Koppelman, counsel for Nokia, previously submitted  
11 a declaration at Docket Number 182 in support of sealing the underlying document upon which  
12 Paragraphs 110-121 of Exhibit R and Exhibit S are based. In his declaration, Mr. Koppelman  
13 stated that this document contains "sensitive, confidential business information belonging to  
14 Motorola, Inc. which was in Nokia's possession subject to a nondisclosure agreement between  
15 [Motorola and Nokia]." He further stated that "the public disclosure of this information would  
16 reveal sensitive, confidential business information pertaining to Nokia and would create a risk of  
17 significant competitive injury and particularized harm to Nokia." The Court granted the sealing  
18 request at Docket Number 188.

19 6. Huawei will work with counsel for Samsung to promptly advise counsel for  
20 Nokia of the potential need to submit an additional declaration in support of Samsung's sealing  
21 motion.

22  
23  
24 I declare under penalty of perjury under the laws of the United States that the foregoing is  
25 true and correct to the best of my knowledge.

26 Executed electronically on the 9th day of July, 2018 in Dallas, Texas.  
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1                           */s/ Cory D. Szczepanik*  
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Cory D. Szczepanik